

## **Remarks/Argument**

### **Response to Examiner's Remarks in Detailed Action**

Reconsideration and further examination of the application is respectfully requested.

#### **I. Application Status, General**

All claims in the Application now stand rejected under a final action on the basis of Guest, U.S. Patent No. 5,603,530 ("Guest").

Claims 3, 11, 17, and 18 remain in this application. Claims 1, 2, and 4-10, and 12-16 have been previously cancelled (without prejudice to file a continuing application).

Claims 3, 11, and 17 are amended by this paper. Support for the amendments is discussed below in connection with the explanation of amendments made.

Claims 19 through 21 are added by this paper.

#### **II. Response to Claim Rejections, § 102 – Regarding Independent Claims**

Claims 3, 11, 17, and 18 are rejected by the Examiner on the basis of Guest. The Examiner has opined that the weld bead in Guest anticipates the gland element in the Applicant's claims as worded, basically because there is no language in the claim that says either the gland is not permanently affixed to the spigot, or that prior to final assembly the gland is movable with respect to the spigot. Applicant has made amendments to the claims that are believed to overcome the rejection while remaining consistent with the term "gland" as understood by those of ordinary skill in the industry, as discussed below.

#### **AMENDMENT OVERCOMES REJECTION:**

The Applicant has amended Claim 3 to add reference to externally tightenable fasteners, (such as the bolts as stated in dependent Claim 19), which Applicant has not found to be suggested in Guest. For support, Applicant appeals to the text of the application as originally filed at page 4, lines 16-20 and page 9:11-21, and directs the examiner's

attention to those locations for consideration. Additional support may be found elsewhere in the application, including at figures 1, 4, 5, and 7. Applicant respectfully requests that the rejection founded upon Guest is therefore overcome.

Claim 11 depends from Claim 3, which by virtue of the amendment discussed above is believed to be allowable, rendering Claim 11 allowable by dependency. Claim 3 is further amended to clarify that the segment should not be considered a “density region” for purposes of the “plurality of density regions” limitation in Claim 11. Rather, as the claim now reads it is clear that it is the deformable body of the gasket that has the plurality of density regions.

The Applicant has amended Claim 17 to refer to the connection between the bell and the gland as being “tightenably connected by bolts”. Appeal is made to the same locations for support. Guest is believed to be overcome by this amendment. Other amendments are made to Claim 17 for grammatical reasons, and are not believed to change the meaning of the claim or to require support, being only grammatical.

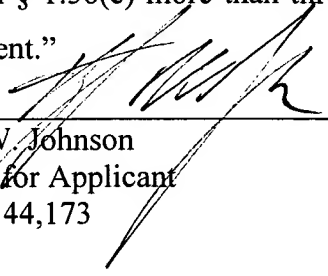
### **III. Double Patenting (Provisional Rejection)**

Pursuant to MPEP 804(1)(B), Applicant understands that a response is not required to the “provisional” double patenting rejection, until such time as one of the two co-pending applications is in condition for issuance (except for the double patenting issue). Applicant reserves the right to submit argument against the double patenting rejection at a later time, given that the claims of the copending applications may not yet be in their final form. Applicant may respond by submitting a terminal disclaimer. The child application is subject to an RCE (for the sake of consideration of additional art, already of record in this application or filed herewith), and therefore is not considered to be in the stage of allowance requiring the submission of a terminal disclaimer with this paper.

### **IV. Information Disclosure Statement**

Applicant submits herewith an Information Disclosure Statement (“IDS”). This IDS references PCT publication number WO 01/13023, as shown on the IDS form. This IDS

is submitted under 37 C.F.R. 1.97(d) with a fee under 1.17(p) and the following statement under 1.97(e): "No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement."

  
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Nathan W. Johnson  
Attorney for Applicant  
Reg. No. 44,173

**Fees**

No fees are believed to be required in connection with the timeliness of this paper, it being filed within three months of the mailing date of the office action.

A fee of \$180.00 under 1.17(p) for the filing of the IDS under 1.97(d) is enclosed herewith by credit card payment, as well as the fee of \$50.00 for a single claim in excess of 20 (for a total credit card charge of \$230.00).

If any other fees are required, or if any petitions are required to maintain the pendency of this application, the undersigned hereby authorizes all such fees to be charged against Deposit Account 50-0954, and this paper is deemed to incorporate a petition to the extent necessary.

Applicant has diligently sought to comply with all requirements and to correct all informalities and objections. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

January 6, 2006

Respectfully submitted,  
BRADLEY ARANT ROSE & WHITE LLP

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Nathan W. Johnson  
Reg. No. 44,173  
205-521-8369

The PTO did not receive the following  
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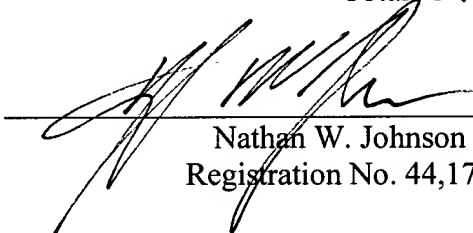
I hereby certify that the items detailed below are being deposited with the United States Postal Service as Express Mail, Post Office to Addressee with sufficient postage, to the following address:

Mail Stop Amendment  
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On January 6, 2006.

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2.	Response and Amendment		
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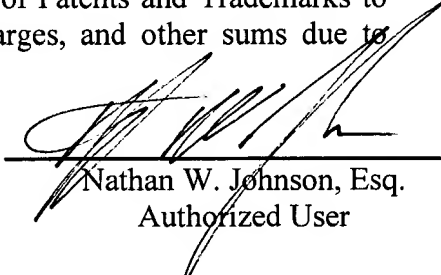
  
Nathan W. Johnson  
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Date: January 6, 2006.

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**DEPOSIT ACCOUNT**

If, after processing the enclosed checks, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954.

1-6-06  
Date

  
Nathan W. Johnson, Esq.  
Authorized User

**Appendix**